

Exhibit 1

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August 16, 2015

VIA ECF

Hon. Douglas C. Palmer
Clerk of the Court
U.S. District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: **Kashmir Gill v. Jus Broadcasting Corp., et al.**
Case No. 1:19-cv-04216 (ILG) (PK)

Dear Mr. Palmer:

I am the attorney of record for defendants Jus Broadcasting Corp., Jus Punjabi, LLC, Jus One Corp., Jus Broadcasting Corp PVT and Penny Sandhu in the above-entitled litigation.

I write for the purpose of requesting that the Clerk's Office *not* grant the so-called "Request for Certificate of Default" filed on August 13, 2019 by plaintiff Kashmir Gill ("Gill").¹

There has been *no* default by defendants on any aspect of this case. As the Docket Sheet reveals, the litigation was commenced on February 25, 2019 by plaintiff Gill in the *United States District Court for the District of New Jersey*, but not in this Court. *See* Doc. 1 on the annexed docket sheet. Gill's complaint, which has not been amended, exceeds fifty pages. The New Jersey action was assigned to United States District Judge Freda Wolfson.

On April 25, 2019, all the defendants *timely* moved to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b) essentially on the grounds of lack of jurisdiction and improper venue. (Collectively, the entity defendants and the individual defendant, who owns the entity defendants, are involved in the business of satellite broadcasting of news and entertainment in North America, the United Kingdom and India and, for convenience, this letter refers to them collectively as the "Jus Punjabi defendants").

Plaintiff Gill unsuccessfully opposed the Jus Punjabi defendants' Rule 12(b) motion. More specifically, on July 19, 2019, Judge Wolfson transferred the action in full from New Jersey to this Court, thus effectively granting the relief which the Jus Punjabi defendants requested. *See* Document 22. Consistent with Judge Wolfson's order, the action was transferred to this Court on July 22, 2019. It was assigned to Judge I. Leo Glasser and Magistrate Judge Peggy Kuo and given

¹ Annexed as Exhibit 1 to this letter is a copy of the entire docket sheet relating to this case. The "Request for Certificate of Default" is document entry 31.

the case number identified in the caption to this letter. I immediately filed a Notice of Appearance for the Jus Punjabi defendants.

In reliance on Judge Glasser's individual motion practice rules, I immediately made several efforts to obtain the consent of Alan R. Ackermann, a New Jersey lawyer who has represented plaintiff Gill from the outset, to a briefing schedule in connection with the Jus Punjabi defendants' dispositive motion to dismiss the Complaint for failure to state a claim under Fed. R. Civ. P. 12(b)(6).

Completely ignoring Judge Glasser's rules, Mr. Ackerman *never* responded in any way to my numerous requests for the setting of a briefing schedule. Instead, Mr. Ackerman on August 13, 2019 filed the wholly unfounded "request" in the Clerk's Office for the issuance of a certificate of default.

I have concurrently with this letter written to Judge Glasser to call the Judge's attention to plaintiff's misconduct, and I am annexing to this letter as Exhibit 2 a copy of my concurrent letter to Judge Glasser which, among other things, requests the setting by Judge Glasser of the required briefing schedule for the Jus Punjabi defendants' dispositive motion.

For the reasons articulated in this letter and the accompanying letter to Judge Glasser, I respectfully urge the Clerk's office to reject plaintiff's August 13, 2019 "request" for the issuance of a so-called "certificate of default."

Sincerely yours,

A handwritten signature in black ink, appearing to be 'PB' followed by a stylized flourish.

Paul Batista

PB/wg

cc: Hon. Peggy Kuo (Via ECF)
All Counsel of Record (Via ECF)

Exhibit 1

U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:19-cv-04216-ILG-PK

Gill v. JUS Broadcasting Corp. et al
Assigned to: Judge I. Leo Glasser
Referred to: Magistrate Judge Peggy Kuo
Case in other court: New Jersey, 3:19-cv-06742
Cause: 18:1962 Racketeering (RICO) Act

Date Filed: 07/19/2019
Jury Demand: None
Nature of Suit: 470 Racketeer/Corrupt
Organization
Jurisdiction: Diversity

Plaintiff

Kashmir Gill
Individually

represented by **Steven Adam Jayson**
Law Offices of Alan Ackerman
1719 Route 10 East
Ste 106
Parsippany, NJ 07054
973-898-1177
Email: sjayson@alanackermanlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ALAN R. ACKERMAN
1719 ROUTE 10 EAST
PARSIPPANY, NJ 07054
(973) 898-1177
Email: araesq@alanackermanlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

Jus Broadcasting Corp

represented by **Michael Farhi**
190 Moore Street, Hackensack, Nj
Hackensack, NJ 07601
201-488-7211
Fax: 201-488-7211
Email: mfarhi@nklaw.com
TERMINATED: 08/07/2019
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul A. Batista
Paul Batista, PC
26 Broadway
Suite 1900
New York, NY 10004
212-980-0070
Fax: 212-344-7677
Email: batista007@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Jus Punjabi, LLC**

represented by **Michael Farhi**
 (See above for address)
TERMINATED: 08/07/2019
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul A. Batista
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Jus One, Corp.**

represented by **Michael Farhi**
 (See above for address)
TERMINATED: 08/07/2019
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul A. Batista
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Jus Broadcasting Corp PVT Ltd**

represented by **Michael Farhi**
 (See above for address)
TERMINATED: 08/07/2019
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul A. Batista
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Penny Sandhu**

represented by **Michael Farhi**
 (See above for address)
TERMINATED: 08/07/2019
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul A. Batista
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/25/2019	<u>1</u>	COMPLAINT against JUS BROADCASTING CORP, JUS BROADCASTING CORP PVT LTD, JUS ONE, CORP., JUS PUNJABI, LLC, PENNY SANDHU (Filing and

		Admin fee \$ 400 receipt number 0312-9444442), filed by KASHMIR GILL. (Attachments: # <u>1</u> Civil Cover Sheet)(ACKERMAN, ALAN) [Transferred from New Jersey on 7/22/2019.] (Entered: 02/25/2019)
02/25/2019		Judge Freda L. Wolfson and Magistrate Judge Tonianne J. Bongiovanni added. (jmh) [Transferred from New Jersey on 7/22/2019.] (Entered: 02/25/2019)
02/25/2019	<u>2</u>	SUMMONS ISSUED as to JUS BROADCASTING CORP, JUS BROADCASTING CORP PVT LTD, JUS ONE, CORP., JUS PUNJABI, LLC, PENNY SANDHU. Attached is the official court Summons, please fill out Defendant and Plaintiffs attorney information and serve. (jmh) [Transferred from New Jersey on 7/22/2019.] (Entered: 02/25/2019)
03/21/2019	<u>3</u>	SUMMONS Returned Executed by KASHMIR GILL. PENNY SANDHU served on 3/9/2019, answer due 4/1/2019. (ACKERMAN, ALAN) [Transferred from New Jersey on 7/22/2019.] (Entered: 03/21/2019)
03/21/2019	<u>4</u>	AFFIDAVIT of Service for Affidavit of Service served on Jus Broadcasting PVT LTD; Jus Punjabi, LLC; Jus Broadcasting Corp.; Jus One, Corp. on 03/07/2019, filed by KASHMIR GILL. (Attachments: # <u>1</u> Exhibit "A", # <u>2</u> Exhibit "B", # <u>3</u> Exhibit "C", # <u>4</u> Exhibit "D") (ACKERMAN, ALAN) [Transferred from New Jersey on 7/22/2019.] (Entered: 03/21/2019)
04/02/2019	<u>5</u>	STIPULATION by All Defendants. (FARHI, MICHAEL) [Transferred from New Jersey on 7/22/2019.] (Entered: 04/02/2019)
04/03/2019	<u>6</u>	STIPULATION AND ORDER that the time for Defendant Joseph Scotto to answer, move or otherwise respond to the Complaint is extended to 4/11/2019. Signed by Magistrate Judge Tonianne J. Bongiovanni on 4/3/2019. (km) [Transferred from New Jersey on 7/22/2019.] (Entered: 04/03/2019)
04/11/2019	<u>7</u>	NOTICE of Appearance by MICHAEL FARHI on behalf of All Defendants (FARHI, MICHAEL) [Transferred from New Jersey on 7/22/2019.] (Entered: 04/11/2019)
04/11/2019	<u>8</u>	STIPULATION <i>Extending Time to Answer</i> by All Defendants. (FARHI, MICHAEL) [Transferred from New Jersey on 7/22/2019.] (Entered: 04/11/2019)
04/12/2019	<u>9</u>	STIPULATION AND ORDER that the time within which all Defendants may answer or file a responsive pleading to the Complaint or otherwise move is extended to 4/25/2019. Signed by Magistrate Judge Tonianne J. Bongiovanni on 4/12/2019. (mps) [Transferred from New Jersey on 7/22/2019.] (Entered: 04/12/2019)
04/25/2019	<u>10</u>	MOTION to Dismiss for Lack of Jurisdiction by All Defendants. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Brief, # <u>3</u> Declaration, # <u>4</u> Declaration)(FARHI, MICHAEL) [Transferred from New Jersey on 7/22/2019.] (Entered: 04/25/2019)
04/26/2019		Set Deadlines as to <u>10</u> MOTION to Dismiss for Lack of Jurisdiction . Motion set for 5/20/2019 before Judge Freda L. Wolfson. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (km) [Transferred from New Jersey on 7/22/2019.] (Entered: 04/26/2019)
05/06/2019	<u>11</u>	Letter from Alan R. Ackerman, Esq. requesting an adjournment re <u>10</u> MOTION to Dismiss for Lack of Jurisdiction , Set/Reset Motion and R&R Deadlines/Hearings,. (ACKERMAN, ALAN) [Transferred from New Jersey on 7/22/2019.] (Entered: 05/06/2019)
05/07/2019	<u>12</u>	LETTER ORDER Resetting Deadlines as to <u>10</u> MOTION to Dismiss for Lack of Jurisdiction . Motion reset for 6/3/2019 before Judge Freda L. Wolfson. Unless otherwise

		directed by the Court, this motion will be decided on the papers and no appearances are required. Signed by Judge Freda L. Wolfson on 5/7/2019. (km) [Transferred from New Jersey on 7/22/2019.] (Entered: 05/07/2019)
05/20/2019	<u>13</u>	RESPONSE in Opposition filed by KASHMIR GILL re <u>10</u> MOTION to Dismiss for Lack of Jurisdiction (Attachments: # <u>1</u> Affidavit of Kashmir Gill, # <u>2</u> Exhibit A to Gill Affidavit (Profit and Loss Statement), # <u>3</u> Exhibit B to Gill Affidavit (Operating Agreement), # <u>4</u> Exhibit C to Gill Affidavit (Final Settlement Agreement), # <u>5</u> Exhibit D to Gill Affidavit (Signed Dollar), # <u>6</u> Exhibit E to Gill Affidavit (Email))(ACKERMAN, ALAN) [Transferred from New Jersey on 7/22/2019.] (Entered: 05/20/2019)
05/24/2019	<u>14</u>	Letter. (FARHI, MICHAEL) [Transferred from New Jersey on 7/22/2019.] (Entered: 05/24/2019)
05/28/2019	<u>15</u>	LETTER ORDER Resetting Deadlines as to <u>10</u> MOTION to Dismiss for Lack of Jurisdiction . Motion reset for 6/17/2019 before Chief Judge Freda L. Wolfson. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Signed by Chief Judge Freda L. Wolfson on 5/28/2019. (km) [Transferred from New Jersey on 7/22/2019.] (Entered: 05/29/2019)
06/03/2019	<u>16</u>	REPLY BRIEF to Opposition to Motion filed by All Defendants re <u>10</u> MOTION to Dismiss for Lack of Jurisdiction (Attachments: # <u>1</u> Brief)(FARHI, MICHAEL) [Transferred from New Jersey on 7/22/2019.] (Entered: 06/03/2019)
06/12/2019		Set/Reset Deadlines as to <u>10</u> MOTION to Dismiss for Lack of Jurisdiction . Motion set for Oral Argument on 7/10/2019 10:00 AM in Trenton - Courtroom 5E before Chief Judge Freda L. Wolfson. (jmm,) [Transferred from New Jersey on 7/22/2019.] (Entered: 06/12/2019)
07/11/2019		Set/Reset Deadlines as to <u>10</u> MOTION to Dismiss for Lack of Jurisdiction . Motion set for 7/19/2019 10:30 AM in Trenton - Courtroom 5E before Chief Judge Freda L. Wolfson. (jmm,) [Transferred from New Jersey on 7/22/2019.] (Entered: 07/11/2019)
07/18/2019	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice by All Defendants. (Attachments: # <u>1</u> Statement, # <u>2</u> Certification, # <u>3</u> Certificate of Service, # <u>4</u> Text of Proposed Order) (FARHI, MICHAEL) [Transferred from New Jersey on 7/22/2019.] (Entered: 07/18/2019)
07/18/2019	<u>18</u>	APPLICATION/PETITION for FOR ATTORNEYS FEES AND COSTS for by KASHMIR GILL. (Attachments: # <u>1</u> Exhibit A- Copy of Docket Sheet, # <u>2</u> Text of Proposed Order)(ACKERMAN, ALAN) [Transferred from New Jersey on 7/22/2019.] (Entered: 07/18/2019)
07/18/2019		Set Deadlines as to <u>17</u> MOTION for Leave to Appear Pro Hac Vice . Motion set for 8/19/2019 before Magistrate Judge Tonianne J. Bongiovanni. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (km) [Transferred from New Jersey on 7/22/2019.] (Entered: 07/18/2019)
07/18/2019	<u>19</u>	Letter from JUS Broadcasting for Adjournment Request re <u>10</u> MOTION to Dismiss for Lack of Jurisdiction . (FARHI, MICHAEL) [Transferred from New Jersey on 7/22/2019.] (Entered: 07/18/2019)
07/18/2019	<u>20</u>	Letter from Alan R. Ackerman objecting to Defendants' adjournment request re Set/Reset Motion and R&R Deadlines/Hearings, Set/Reset Motion and R&R Deadlines/Hearings, <u>19</u> Letter. (ACKERMAN, ALAN) [Transferred from New Jersey on 7/22/2019.] (Entered: 07/18/2019)
07/18/2019	<u>21</u>	TEXT ORDER DENYING DEFENDANTS REQUEST <u>19</u> TO ADJOURN MOTION.

		Motion shall remain on as scheduled for 7/19/2019 at 10:30 A.M.. So Ordered by Chief Judge Freda L. Wolfson on 7/18/2019. (jmm,) [Transferred from New Jersey on 7/22/2019.] (Entered: 07/18/2019)
07/19/2019	<u>22</u>	Minute Entry for proceedings held before Chief Judge Freda L. Wolfson: Motion Hearing held on 7/19/2019 re <u>10</u> MOTION to Dismiss for Lack of Jurisdiction filed by JUS ONE, CORP., JUS BROADCASTING CORP, JUS PUNJABI, LLC, PENNY SANDHU, JUS BROADCASTING CORP PVT LTD. Court Ordered Case to be transferred to Eastern District of New York. Order to be filed. (Court Reporter/Recorder Vincent Russoniello.) (jmm,) [Transferred from New Jersey on 7/22/2019.] (Entered: 07/19/2019)
07/19/2019	<u>23</u>	ORDER that Plaintiff's <u>18</u> application for Attorney's fees is Granted; Plaintiff is awarded attorney's fees and costs in the amount of \$1,800.00. It is ORDERED that the <u>10</u> Motion to Dismiss for Lack of Jurisdiction is DENIED. It is further ORDRED that this matter is transferred to the U.S.D.C. for the Eastern District of New York. Signed by Chief Judge Freda L. Wolfson on 7/19/2019. (km) [Transferred from New Jersey on 7/22/2019.] (Entered: 07/19/2019)
07/19/2019		***Civil Case Terminated. (km) [Transferred from New Jersey on 7/22/2019.] (Entered: 07/19/2019)
07/22/2019	<u>24</u>	Case transferred in from District of New Jersey; Case Number 3:19-cv-06742. Original file certified copy of transfer order and docket sheet received. (Entered: 07/22/2019)
07/22/2019	<u>25</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent . The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Davis, Kimberly) (Entered: 07/22/2019)
07/22/2019		The case of Gill V. Jus Broadcasting Corp. , has been transferred from District of New Jersey to the Eastern District of New York. The new case number is 19-cv-4216 . PLEASE NOTE: if you plan to continue representing your client(s), you must be admitted to practice before this court. You must do so by applying for Pro Hac Vice or permanent admission. To apply for Pro Hac Vice admission, you must first register for an ECF login and password. Please visit the Court's website at www.nyed.uscourts.gov/attorney-admissions for guidance. Once registered, you must electronically file a Motion to Appear Pro Hac Vice. You must pay the required pro hac vice fee online. (Davis, Kimberly) (Entered: 07/22/2019)
07/23/2019		ORDER denying, with leave to renew, defense counsel's <u>17</u> Motion for Leave to Appear <i>pro hac vice</i> . Counsel is directed to the <i>pro hac vice</i> Attorney Admission Instructions available at https://www.nyed.uscourts.gov/pro-hac-vice-attorney-admission-instructions . Ordered by Magistrate Judge Peggy Kuo on 7/23/2019. (Riquelme, Claudia) (Entered: 07/23/2019)
07/23/2019	<u>26</u>	SCHEDULING ORDER: An Initial Conference will be held in this case on September 11, 2019 at 10:00 a.m. before Peggy Kuo, United States Magistrate Judge, in Courtroom 11C South of the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York. All counsel are required to attend . Counsel are directed to the annexed Initial Conference Order for instructions. At least five days before the Conference, the parties must file a completed copy of the Proposed Discovery Plan, a PDF version of which may be found at:

		https://www.nyed.uscourts.gov/pub/PK-discovplan.pdf . Any request for adjournment of this or any other conference must be made in writing on notice to opposing parties, and must disclose whether or not all parties consent. No request for adjournment will be considered unless made at least two (2) business days before the scheduled conference, except in the event of an emergency. <u>Counsel with knowledge and authority must be present. Per diem counsel may not appear without prior permission of the Court.</u> Ordered by Magistrate Judge Peggy Kuo on 7/23/2019. (Attachments: # <u>1</u> Proposed Discovery Plan) (Riquelme, Claudia) (Entered: 07/23/2019)
07/24/2019	<u>27</u>	NOTICE of Appearance by Paul A. Batista on behalf of Jus Broadcasting Corp, Jus Broadcasting Corp PVT Ltd, Jus One, Corp., Jus Punjabi, LLC, Penny Sandhu (aty to be noticed) (Batista, Paul) (Entered: 07/24/2019)
07/31/2019	<u>28</u>	NOTICE of Consent to Change Attorney by Paul A. Batista (Batista, Paul) Modified on 8/1/2019 to reflect that this is a motion. (Riquelme, Claudia). (Entered: 07/31/2019)
08/01/2019		ORDER denying <u>28</u> , with leave to renew, Motion to Substitute Attorney. The proposed substitution of attorney is not signed by defendants. Counsel is directed to resubmit the motion in compliance with Local Civil Rule 1.4, which requires any substitution of counsel by stipulation to be signed by counsel, the client, and all other parties. Ordered by Magistrate Judge Peggy Kuo on 8/1/2019. (Riquelme, Claudia) (Entered: 08/01/2019)
08/06/2019	<u>29</u>	First MOTION to Substitute Attorney <i>re</i> : <u>28</u> by Jus Broadcasting Corp, Jus Broadcasting Corp PVT Ltd, Jus One, Corp., Jus Punjabi, LLC, Penny Sandhu. (Batista, Paul) (Entered: 08/06/2019)
08/07/2019		ORDER granting <u>29</u> Motion to Substitute Attorney. Attorney Michael Farhi terminated. Ordered by Magistrate Judge Peggy Kuo on 8/7/2019. (Riquelme, Claudia) (Entered: 08/07/2019)
08/08/2019	<u>30</u>	NOTICE of Appearance by Steven Adam Jayson on behalf of Kashmir Gill (aty to be noticed) (Jayson, Steven) (Entered: 08/08/2019)
08/13/2019	<u>31</u>	Request for Certificate of Default by Kashmir Gill (Attachments: # <u>1</u> Affidavit in Support Affirmation of Alan R. Ackerman, # <u>2</u> Affidavit of Service Affirmation of Service, # <u>3</u> Proposed Order Proposed Certificate of Default) (Jayson, Steven) (Entered: 08/13/2019)

PACER Service Center			
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